

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

|                                |   |                    |
|--------------------------------|---|--------------------|
| LAWRENCE EVERETTE PHIFER, JR., | ) |                    |
|                                | ) |                    |
| Plaintiff,                     | ) |                    |
|                                | ) |                    |
| v.                             | ) | <b>JUDGMENT</b>    |
|                                | ) |                    |
|                                | ) | No. 5:08-CV-292-FL |
|                                | ) |                    |
| CITY OF ROCKY MOUNT and        | ) |                    |
| JOHN MANLEY, Chief of Police,  | ) |                    |
|                                | ) |                    |
| Defendants.                    | ) |                    |

**Decision by Court.**

This action came before the Honorable Louise W. Flanagan, Chief United States District Judge, for consideration of the defendants' motions for summary judgment, and the Memorandum and Recommendation of the United States Magistrate Judge.

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court's order entered September 28, 2010, and for the reasons set forth more specifically therein, that defendants' motions for summary judgment are granted. The plaintiff shall have and recover nothing from this action.

**This Judgment Filed and Entered on September 28, 2010, and Copies To:**

Alvin L. Pittman (via CM/ECF Notice of Electronic Filing)  
Patricia L. Holland (via CM/ECF Notice of Electronic Filing)  
Katie Weaver Hartzog (via CM/ECF Notice of Electronic Filing)  
Scott C. Hart (via CM/ECF Notice of Electronic Filing)

September 28, 2010

DENNIS P. IAVARONE, CLERK  
\_\_\_\_\_  
/s/ Christa N. Baker  
(By) Christa N. Baker, Deputy Clerk